

**BEFORE THE HEARING EXAMINER
CITY OF SHORELINE**

In the Matter of the Appeal of

Code Enforcement Case 1472

RALPH AND AVA CREAR

From a Notice and Order to Correct issued by the City
Of Shoreline

ORDER


The Appellants, through their attorney of record, filed a notice of appeal on June 25, 2008. The City moved to dismiss the appeal on July 15, 2008. The Examiner's July 16, 2008 Order set out a schedule for the Appellants' response and the City's reply. The Appellants filed a response on July 23, 2008 and the City filed its reply on July 28, 2008. The Appellants filed another response on July 29, 2008.

The City moved to dismiss on the grounds that the appeal raises claims over which the Hearing Examiner lacks jurisdiction. Under Section 7.1 of the Rules of Procedure for Administrative Hearings of the City of Shoreline, an appeal may be dismissed without a hearing if the Hearing Examiner determines that "it fails to state a claim for which the Hearing Examiner has jurisdiction to grant relief." As noted by the parties, the City Council has conferred jurisdiction over land use matters to the Hearing Examiner; SMC 2.15.010 and 2.15.020.

The Examiner has reviewed the filings, the Code and the decision cited by the Appellants, *Wells v. Whatcom County District No. 10*, 105 Wash. App 143, 19 P.3d 253 (2001), and concludes that the Examiner has no jurisdiction to grant relief for the claims raised in the appeal. None of the discernible claims in the Notice of Appeal allege an error in the Enforcement Order over which the Hearing Examiner would have jurisdiction. The Appellants' responses seem to suggest that they are actually challenging the findings set forth in the City's Notice and Order, not merely raising the claims identified in its Appeal, but that suggestion is not supported by the Notice of Appeal.

Because the Hearing Examiner lacks jurisdiction to grant relief, the appeal is hereby dismissed.

Entered this 7th day of August, 2008.



Anne Watanabe
Shoreline Hearing Examiner